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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,831	02/25/2004	Daniel E. Tedesco	02-100A	2974

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EXAMINER

DESIRE, GREGORY M

ART UNIT PAPER NUMBER

2624

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/786,831	Applicant(s) DANIEL TEDESCO	
	Examiner Gregory M. Desire	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/29/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa et al (6,128,396) in view of Moustafa (6,959,109).

Regarding claims 1 and 12 Hasegawa discloses,

Receiving a captured image from an image capture device (note fig. 2, block 11, camera);

Storing the captured image (note fig. 2, block 12);

Associating each captured image with a respective location based on its respective image capture device (note fig. 2, blocks 14 and 15);

Transmitting a first captured image to at least one neuron (note fig. 3, blocks 29, learning command);

Receiving a result for at least one neuron (note col. 7 lines 1-7).

Determining whether results indicate that human is present in the first captured image (note col. 6 lines 43-50); and

Determining an alarm condition based on the result (note fig. 3 block 27 and col. 6 lines 52-57)

Hasegawa does not clearly disclose selecting additional neurons. Mustafa discloses selecting additional neurons (note col. 7 lines 34-45, plurality neurons, outputs additional outputs). Hasegawa and Moustafa are combinable because they are from human detection. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include additional neurons in the system of Hasegawa as disclosed in Moustafa. The suggestion/motivation for doing so would have been calculating output values at different situations (note col. 5 lines 1-10). Therefore, it would have obvious to combine Hasegawa with Moustafa to obtain the invention as specified in the above claims

Regarding claim 2 Hasegawa discloses,

One image capture device is configured to preprocess captured images (note fig. 1, block 1).

Regarding claim 3, Hasegawa discloses,

Node is further configured to preprocess at least some of the captured images.

Regarding claim 4, Hasegawa discloses,

Detection motion (note fig. 1, block 2) and capture an image in response to detected motion (col. 4 lines 28-32).

Regarding claim 5, Hasegawa discloses,

Result received from the at least one neuron is a one-bit indication of the result (note fig. 3, block 29).

Regarding claims 6 and 12 Hasegawa discloses,

Presence of a human is present (note col. 7 lines 25-28),

Absence of a human is present in the image (note col. 7 lines 29-32),

Uncertainty as to whether a human is present in the image (note col. 7 lines 34-37).

Regarding claim 7 Hasegawa and Moustafa discloses,

At least one neuron has an associated weight, and in which the node is configured to select the at least one additional neurons based further on the weight of the at least one neuron (note Moustafa col. 10 lines 26-31).

Regarding claims 8 and 13 Hasegawa discloses,

At least one neuron has an associated weight, and in which the node is configured to determine the alarm condition based further on the weight of the at least one neuron (note fig. 1, block 27).

Regarding claim 9 Hasegawa and Moustafa discloses,

Neuron has an associated weight, and in which the node is configured to adjust the weights base on based further on the results (note col. 10 lines 10-14).

Regarding claim 10 Hasegawa and Moustafa discloses,

A layer analyzer, which is configured to allocate the neurons to different layers, based on respective weights of the neurons (note fig. 4, shows, input nodes, hidden nodes and output nodes showing different layers).

Regarding claim 11 Hasegawa discloses,

Image capture device are arranged to capture images from area in which human activity is desired to be substantially nonexistent (note col. 7 lines 30-33).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (571) 272-7449. The examiner can normally be reached on M-F (6:30-3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory M. Desire
Examiner
Art Unit 2624

A handwritten signature in black ink that reads "Gregory M. Desire". The signature is written in a cursive style with a horizontal line at the end.

G.D.
April 30, 2006